

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GERMANTOWN CAB COMPANY	:	CIVIL ACTION
	:	
v.	:	
	:	
THE PHILADELPHIA PARKING	:	
AUTHORITY, et al.	:	NO. 14-4686

**ORDER**

**AND NOW**, this 29th day of April, 2015, upon consideration of Defendants’ “Motion to Dismiss Complaint” (Docket No. 9), all documents filed in connection thereto, and the Oral Argument held on March 3, 2015, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **GRANTED** insofar as it seeks dismissal of the Complaint’s procedural due process claims in violation of 42 U.S.C. § 1983 and Article I, Section 1 of the Pennsylvania Constitution in Count I of the Complaint.
2. The Complaint’s procedural due process claims in violation of 42 U.S.C. § 1983 and Article I, Section 1 of the Pennsylvania Constitution in Count I are **DISMISSED WITH PREJUDICE**.<sup>1</sup>
3. The Motion is **DISMISSED WITHOUT PREJUDICE** insofar as it seeks dismissal of Count II of the Complaint.

---

<sup>1</sup> The accompanying Memorandum does not address the Fifth Amendment procedural due process claim asserted in Count I because, at the Oral Argument we held on March 3, 2015, Germantown’s counsel stated that Germantown was not pursuing this claim. (3/3/15 Hr’g Tr. at 25.) We therefore dismiss the Fifth Amendment procedural due process claim asserted in Count I of the Complaint.

4. Plaintiff having stated, at the March 3, 2015 hearing, that it wished to file an Amended Complaint stating a First Amendment retaliation claim pursuant to 42 U.S.C. § 1983, and Defendants having withdrawn their Motion as to any such claim asserted in the Complaint, Plaintiff may file an Amended Complaint on or before May 6, 2015 that states a facially plausible First Amendment retaliation claim against Defendants. (See Hr'g Tr. at 3-11.)

BY THE COURT:

/s/ John R. Padova  
John R. Padova, J.